



DEPARTMENT OF ADMINISTRATIVE SERVICES



STATE OF CONNECTICUT

165 Capitol Avenue
Hartford, CT 06106-1658

Raised Bill 1144

An Act Concerning Flexible Work Schedules and Telecommuting Options for State Employees

**Government Administration and Elections Committee
March 23, 2009**

The Department of Administrative Services (DAS) offers the following testimony regarding Raised Bill 1144, An Act Concerning Flexible Work Schedules and Telecommuting Options for State Employees.

DAS understands that the purpose behind this bill is to provide worker-friendly options for state employees that provide flexibility within the workplace. Raised Bill 1144 attempts to achieve these goals by: (1) Modifying the existing Voluntary Schedule Reduction Program for state employees; (2) Establishing a new Flexible Work Schedule Program in statute; (3) Establishing a new Phased In Retirement Program for state employees; and (4) Modifying the state's telecommuting and work-at-home statute. **DAS does not believe that it is necessary to create these new programs or to statutorily modify existing programs to achieve the bill's goals:** The programs currently authorized in statute or implemented through collective bargaining agreements already allow employees to reduce their weekly schedules without any impact on their state pensions or other benefits.

Section 1 - Voluntary Schedule Reduction

Section 1 of the proposed bill purports to revise the statute creating the Voluntary Schedule Reduction Program - Section 5-248c - to allow employees to work fewer hours, for proportionally less money. This language is unnecessary because the Program already permits this. Specifically, the regulations promulgated for this Program allow an employee to voluntarily reduce the number of hours worked by the employee "by taking unpaid prescheduled individual or partial days off on an occasional basis, or by reducing the number of hours worked per week on a regular basis." (See DAS regulations 5-248c-1, et seq.).

Moreover, DAS has concerns about the language in Section 1 of the proposal that prohibits agencies from shifting or reducing an employee's responsibilities if they

choose a voluntary schedule reduction. In order to accommodate an employee's desire to work fewer hours, it may be necessary to reduce or shift the responsibilities of the employee simply to ensure that the agency's or the unit's work is being completed. If the employer and the employee are barred from exploring this possibility, it appears that fewer - not more - employees will be able to take advantage of the Voluntary Schedule Reduction Program.

Section 2 - Flexible Work Schedule Program

Section 2 of the bill requires DAS and the Office of Policy and Management (OPM) to implement and facilitate a Flexible Work Schedule Program. This is a matter covered by collective bargaining. Most collective bargaining agreements already provide for alternate work schedules, which allow employees to choose such things as: unrestricted daily starting/quitting times; a 10-hour workday, 4-day per week schedule; weekly variable starting and quitting time options, etc. See, e.g., Administrative & Residual [P-5] Bargaining Unit Contract, Article 16A.

Section 3 - Phased In Retirement Program

Section 3 of SB 1144 requires DAS and OPM to create a "phased-in retirement program" whereby employees within 5 years of eligibility for retirement can work fewer hours for less money but get retirement credit for their full salaries. The existing Voluntary Schedule Reduction Program already provides this very benefit - not only for those close to retirement, but for all employees who participate in the Program. Specifically, employees who participate in the Voluntary Schedule Reduction Program receive retirement credit at 100% of their standard wages, even though their actual take-home pay is reduced to reflect the reduced hours. Accordingly, the program mandated in Section 3 is redundant and thus not necessary.

Section 4 - Telecommuting

Section 4 of the bill alters C.G.S. § 5-248i, the statute that established the state's telecommuting program. DAS developed Telecommuting Program Guidelines for state employees over a decade ago, pursuant to and following the enactment of § 5-248i (Public Act 96-168). The Program Guidelines can be found on the DAS website. Therefore, to the extent that changing "may" to "shall" on line 103 of the bill purports to ensure that the Commissioner of Administrative Services develops and implements telecommuting guidelines, such language change is unnecessary.

Additionally, DAS is concerned that changing "may" to "shall" in this statute may in fact be interpreted to mean that DAS must negotiate the Telecommuting guidelines with interested employee unions. DAS strongly opposes such a policy change. It is the responsibility of agency heads and managers to ensure that the work of state agencies

gets completed, and that services are provided as efficiently and effectively as possible. In many circumstances throughout state service, it is simply not feasible or appropriate for employees to participate in telecommuting or work-at-home programs – some employees provide direct services to the public, to clients, patients, inmates, students and others; some work with sensitive or confidential information or materials that cannot be safely transported home, some supervise a team of employees, etc. The decision regarding whether a telecommuting program is feasible or appropriate for a unit within an agency, and whether any particular employee should participate in such a program must remain exclusively within managerial discretion.

General Provisions Throughout the Bill

Each section of SB 1144 includes a provision that states that, once an employee participates in a program for an initial six-month period, any subsequent participation “shall be for a period of not less than six months . . .” DAS has concerns with this language because we believe that in order to assess and measure the effectiveness of any telecommuting or other alternative work arrangement of an employee, it is necessary to review the program on a regular basis.

Also, because of the ebb and flow of business, it may not be feasible for an agency to approve a telecommuting, alternative work schedule, or other flexible arrangement for an employee on a long-term basis. For example, an agency may be able to grant a short-term Voluntary Schedule Reduction for an employee during a time of year when business is generally slower, but may not be able to accommodate the reduced schedule without having to pay another employee overtime in order to get the work done when business picks up. Agencies must have the flexibility to determine when these programs make sense for their units and employees and how to implement the program in a manner that does not compromise services to the public, confidentiality, and costs.

Thank you for considering DAS’s comments on this bill.